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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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10 William Carl Jack, Jr., }  
11 Petitioner, } No. CV-15-01598-PHX-PGR (MHB)  
12 vs. }  
13 Charles L. Ryan, et al., }  
14 Respondents. }  
15

ORDER

16 Having reviewed *de novo* the Report and Recommendation of Magistrate  
17 Judge Burns notwithstanding that no party has filed any objection to the Report and  
18 Recommendation, the Court finds that the Magistrate Judge correctly determined  
19 that the petitioner's habeas petition, filed pursuant to 28 U.S.C. § 2254, should be  
20 dismissed with prejudice because the petitioner did not exhaust any of the claims  
21 raised in his habeas petition and he has not demonstrated either cause or prejudice  
22 to excuse his procedural default, and he has not shown any fundamental  
23 miscarriage of justice, and he has not raised a Martinez claim. Therefore,

24 IT IS ORDERED that the Magistrate Judge's Report and Recommendation  
25 (Doc. 17) is accepted and adopted by the Court.

26 IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C. §

1 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and is  
2 dismissed with prejudice.

3 IT IS FURTHER ORDERED that no certificate of appealability shall issue and  
4 that leave to appeal *in forma pauperis* is denied because dismissal of the habeas  
5 petition is justified by a plain procedural bar and jurists of reason would not find the  
6 procedural ruling debatable.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
8 accordingly.

9 DATED this 16<sup>th</sup> day of August, 2016.

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12 Paul G. Rosenblatt  
13 United States District Judge

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